which is a list of names and ask you with respect to them whether you know any of them or are related by blood or marriage to (499) any of them, and if you are, I will ask you to give me the number next to the name and then I will ask you what your connection with them is. A. Nobody on this list.

Q. You don't know any of them? A. No.

Q. I will show you the Voir Dire Exhibit B which is a list of fifty-eight organizations, and ask you with respect to them whether you or any members of your family or close friend has ever been a member, officer, employee, or worker, or have you or any member of your family or close friend ever contributed financial or other support to or read the publications of, any of the organizations listed there? A. American Legion.

Q. Your husband belongs to the American Legion? A. No, my brother. I am sure one or two of them do belong.

Q. Do you have any children, by the way? A. I have two grown sons married.

Q. Were they in the armed forces? A. Both of them were in World War I.

Q. World War I? A. World War II. I beg your pardon.

Q. World War II? A. Yes.

Q. Is there anything as a result of that that they were in the armed forces that would prejudice you in this case for or against anybody? A. I doubt it very much.

(500) Q. You don't think that it would have any effect? A. I don't think so. I try to have an open mind.

Q. I didn't mean to interrupt your reading. You go ahead with the list of organizations. A. That is perfectly all right. Just the American Legion.

Q. Just the American Legion? A. Yes.

Q. Is that your brother-in-law, you said? A. No, my brother in New York.

Q. Your brother? A. Yes.

Q. Is there anything about this connection with it that would cause you to be biased one way or the other in the case? A. I think the same thing would apply. I would try very hard not to.

Q. You think you would be fair and impartial and take the evidence in the light of the Court's charge? A. Yes.

Q. I am going to ask you, is there anything about your physical condition that makes it difficult for you to sit on the jury? A. Nothing other than I am very nervous.

Q. Well, that is perhaps common with most people even though there is no real reason why you should be. A. I think I am a little more so today because I had some bad news this morning from my son, and I think probably—I hope it is just something temporary.

(501) Q. You don't think it is anything that would cause you to be— Affect your judgment or make you biased or prejudiced in the case? A. Oh, no. It is nothing pertaining to anything like that.

Q. Have you ever read or discussed any articles or books by Whittaker Chambers? A. I don't believe I have.

Q. Herbert A. Philbrick? A. No.

Q. Ever see him on the television or heard him on the radio? A. I don't remember seeing him.

Q. Have you ever read any books or discussed any books or articles by, or read any articles by Matthew Cvetic or Matt Cvetic? A. No, sir.

Q. By Harvey M. Matusow? A. No.

Q. Benjamin Gitlow? A. No.

Q. By Louis F. Budenz? A. No.

Q. By Elizabeth Bentley? A. No.

Q. By Hede Massing? A. No.

Q. By Angela Calomiris? A. No.

Q. Have you read anything in the newspapers or other periodicals or heard anything on the radio or television or received information or opinions from any source whatsoever with regard to Communism or the Communist Party or about this case which has so influenced you for or against the government, or for or against any of these defendants, that you could not act fairly and impartially without bias or prejudice as a juror in the case? A. I don't believe so.

(502) Q. Now, towards the end of the trial after the evidence is in and the attorneys have argued the judge gives instructions of law to the jury, that is the law that applies to the case. And as a part of that the Court enunciates certain principles that the jurors are to use in weighing the testimony that they have heard from the witnesses and in deciding on the credibility of the witnesses, that is, the extent to which you believe them or disbelieve them. There are certain principles that you apply.

Now, there are several questions here that have to do with your applying those principles equally to all the witnesses regardless of what the witnesses are or what their business is or where they come from, you see. And the question is whether you could apply those principles fairly and equally, whether the witness was a member of a labor union or was a Congressman, or a Communist, or member of the present or some former Communist Party, or was an employee of the Department of Justice or agent of the F. B. I., or was a friend or associate of any of the defendants.

Do you think you could apply them equally to all of them? A. I would try very hard to.

Q. It is not a matter of saying whether you believe one more than the other, but whether you could try to carry out the rules that the Court laid down and that it doesn't matter what a person is or does, that you are to apply it fairly and impartially to all of them? (503) A. Yes.

Q. And you believe you could do that? A. I think I could.

Q. Would the fact that a witness has for some time pretended to be a member of the Communist Party when he was really an F. B. I. agent give you any feeling or attitude towards the witness of that sort so that you would not be able to apply to him the same principles or standards the way you would to anybody else, any other witness? I mean just from the fact that he made that pretension, you see? A. You mean would I try to be fair in applying? A. Is that the idea?

Q. Yes, that is it. A. Yes, I would.

Q. The mere fact that he pretended to be a Communist when he was really an F. B. I. agent wouldn't affect you one way or the other as far as applying these principles? A. Oh, no.

Q. And in applying those principles would it make any difference to you whether the witness was one put on by the government or by the defendants? A. No.

Q. You would treat them with the same fairness and impartiality? A. Yes.

Q. Do you have any prejudice or bias by reason of race, color, religious beliefs, or national origin, which, in connection with (504) any defendant, witness, or anyone else who may be concerned in the case, would prevent you from keeping your mind fully open and free from

fairly and impartially reaching your verdict solely on the evidence and the rulings and instructions of the Court as to the law? A. No, I haven't.

Q. Do you or does any member of your family belong to any political organization like the democratic party or republicans or socialists, or whatever? A. Nothing.

Q. No veteran's organizations except your brother? A. Yes, my brother is a veteran.

Q. Any fraternal or beneficial organization? A. My brother, Masonic.

Q. Civil organization like the P. T. A.? A. No. I belong to the Ladies Lions Club.

Mr Stoddard: I didn't hear that.
The Court: Ladies Lions Club.

Q. Well, that might be a social club rather than civic or a combination? A. Yes, combination.

Q. Any business organization? A. Nothing.

Q. Any labor union or organization? A. No.

Q. Well, is there anything in the organization you are connected with or the fact that your brother is a Mason that would cause you any bias or prejudice for or against any of the parties in this action? A. I don't think so.

(505) Q. You don't think it would have anything to do with it? A. I don't think so.

Q. Do you belong to any organization, society, religious body, or church whose principles, teachings or programs influence your attitude for or against the government or for or against the defendants so that you could not give fair and impartial consideration to the evidence in the case in the light of the Court's rulings and instructions as to the law? A. No.

Q. Have you ever voted for or subscribed to any resolution or petition of any kind which expressed any opposition to or support of Communism or the Communist Party of the United States? A. I am sure I haven't.

Q. Now, if you now have any belief, or if you should come to believe from the evidence that any of these defendants or the Communist Party has taught and advocated that the American people should some day change their form of society from Capitalism to socialism by lawful means and by peaceful means such as an amendment to the constitution, or persuading people to vote one way or another, would you be prejudiced or biased against these defendants on that account? A. I am not quite sure just of that question.

Q. I am not asking whether you would agree with what they said, but whether you would hold it against them because they, in a perfectly lawful and peaceful manner, urge an amendment to the constitution, of that sort, or ask people to vote that way? (506) A. No, I think not.

Q. Well, do you yourself have any present knowledge or belief as to whether the Communist Party does advocate the overthrow of the government of the United States by force and violence, or advocates altering the present system of government by lawful, peaceful means? A. No.

Q. You don't know either way? A. I don't.

Q. You haven't any belief of the subject? A. No, I really haven't.

Q. In view of the fact that these defendants are charged with being co-conspirators with eleven other persons who have already been convicted of charges similar to the charges against these defendants would you on that account alone without hearing any other evidence in the matter have an opinion that these defendants are more

likely to be guilty than not? Is that clear. A. Yes, it is clear.

Q. You see, in the indictment there were eleven persons named who are not defendants. A. I see.

Q. And the government has alleged the charge in the indictment that these people, the defendants were associated with these eleven people as co-conspirators and, of course, that has to be proven, you understand. That is part of what the government will have to prove, and at that moment you don't know whether they can prove it or not, do you? (507) A. No, I don't.

Q. You don't know whether they were associated with them or not as co-conspirators? A. Not at this time.

Q. And it was something that the government would have to prove, is that right? A. That's right.

Q. Bearing that in mind suppose you knew now that these eleven people had been convicted of a similar offense somewhere else in the United States, and just knowing that alone would it make you feel that these people are more likely to be guilty even though you don't know whether there was any connection between them or not? A. I don't think so.

Q. In other words the government would have to prove that they were associated with them? A. Until they are proven so.

Q. If it appeared that any one of these defendants is a Communist or has been a member of the Communist Party or had been one, would you for any of those reasons alone and without hearing any other evidence believe that he was guilty of the conspiracy charged in the indictment? A. Would you repeat that?

Q. If it appeared that anyone of these defendants is a Communist or had been one, or is a member of the Com-

munist Party or had been one, would you for any of those reasons alone without (508) hearing any other evidence in the case believe that he or she was guilty of the conspiracy charged in the indictment? In other words if you knew that one of them was or had been a Communist would you believe from that alone without hearing anything else that they conspired to teach and advocate the overthrow of the government of the United States by force and violence, organize a group to do that, and those were the charges in the indictment, you see? A. I think so.

Q. You don't think you would need any further evidence at all? You just said a minute ago that you didn't know about what the Communist Party did advocate? A. That's right.

Q. If you don't, what is it? A. I think I would have to wait until I heard more evidence.

Q. Well, would you still believe that it was up to the government to prove the allegations of the complaint? A. Yes, I think I would, your Honor.

Q. Well, if you knew that one or more of them was a Communist would it prevent you from giving that person the benefit of the presumption of innocence until he were proved guilty? A. I would rather wait until he was found guilty.

(509) Q. Well, it isn't so much that. It is rather, would you wait? A. I think I would. Yes, I do.

Q. You are sure you would? A. I feel so, yes.

Q. In other words, even though you might know one or more was a Communist, as they stood here as the trial opened, you don't feel there would be anything that would impair the presumption of innocence? A. At that time, you mean?

Q. At that time. A. No.

Q. In other words, you would wait until the case had been proven, as the Court would instruct you, from the evidence? A. Yes.

Q. Before you would decide they were guilty? A. Yes.

Q. Even though you knew that they had been Communists? A. Yes.

Q. Is there anything about the Korean War or your connection with anyone involved in it which would so affect your opinions and judgment that you could not give as a juror fair and impartial consideration to the case? A. No.

Q. Have you or any of your friends or relatives ever been a victim of a crime? A. Never.

Q. Or have you or any of them ever been a witness for the prosecution or defense of a criminal case? A. I don't know of anyone in the family.

(510) Q. If after hearing the evidence in this case offered by both the Government and the defendants, and the charge by the Court you arrived at the conclusion that one or more of these defendants is not guilty, would you hesitate in voting a verdict of "Not guilty" because of fear of the opinion of anybody or any group or the attitudes of any of your friends or associates, or for any other reason? A. No.

Q. Or if you at that time arrive at the conclusion that one or more of the defendants is guilty, would you hesitate in voting a verdict of guilty for any similar reason? A. No.

Q. Have you already formed any opinion or impression concerning the guilt of any of the defendants of the crime charged in the indictment which would require evidence to remove from your mind or, which as things now stand, places a duty on a defendant to prove his innocence? A. I have not.

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Q. Have you ever expressed any opinions or views as to the guilt or innocence of any of these defendants? A. No, I haven't.

Q. Did you say "brothers" or one brother? A. I have two brothers that were in World War I, and I am not sure whether both of them, but one of them is in the American Legion. Both are in the Masonic Lodge.

(511) Q. Were any of your family, brothers or anybody else, ever connected with the intelligence or security branch of the services? A. No.

Q. Are you willing to accept the law and apply the law as given to you by the Court even though it differs from what you believe the law is or what you believe the law ought to be? A. I will apply it as the law.

Q. As you get it from the Court? A. Yes.

Q. Is it clear in your mind that if you are sworn as a member of the jury in this case, that you must, in arriving at a verdict, do so without bias and without prejudice, solely on the evidence presented before you and on the law as the Court instructs you, and on nothing else? A. It is clear.

Q. Bearing in mind the question just asked, do you know of any reason whatsoever why you could not sit as a fair and impartial juror in the case? A. I think I could.

Q. In other words, you know no reason why you couldn't? A. I know no reason.

Q. Would you be influenced for or against either party if you knew one side favored having this case tried to a Court and jury and the other side preferred trial to the Court alone? (512) A. I wouldn't favor either.

Q. That wouldn't make any difference to you? A. No.

(Clerk Earl conferred with counsel.)

Instructions to Juror

The Court: Mrs. Colberg, you are *Juror No. 4*. It may take a little while to get the other jurors, so that you are excused now.

The Juror: I see.

The Court: You can go about your ordinary pursuits until you are called by Mr. Earl, the Clerk, and asked to come back again.

And I will caution you once again not to talk with anybody about the case or read anything in the papers about it or listen to the radio or television. And if anybody tries to talk to you about the case, just tell them you are not permitted to talk about it.

The Juror: Yes, sir.

The Court: And if they won't take that for an answer and they persist, I instruct you to give me their name, just as soon as possible, so that they will be taken care of.

The Juror: Yes. Am I permitted to leave this week end?

The Court: Oh, yes, yes. I doubt if you are called all this next week. I think you could certainly (513) have this week end and probably most of next week—at the earliest, the end of next week.

The Juror: Oh, I see. Thank you very much.

(Juror excused.)